

## **REMARKS**

In response to the above-identified Office Action, Applicant seeks reconsideration of the claims in view of the following remarks and requests a withdrawal of finality pursuant to MPEP 706.07(d) and that a notice of allowance be provided. In this Response, Applicant does not amend, cancel or add any new claims. Accordingly, claims 1-28 remain pending in the Application.

### **I. Interview Summary**

A brief telephonic interview was conducted on April 7 between the undersigned Examiner Smith. During then interview it was discussed that the claim limitations reciting “the plurality of video channels” and the “non-blocking switch” were not described by the current set of references. The Examiner indicated that she would reconsider upon a formal submission.

### **II. Claims Rejected Under 35 U.S.C. § 103**

#### **A. Claims 1, 4-5, 7-8, 11-12, 19 and 22**

Claims 1, 4-5, 7-8, 11-12, 19 and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over European Patent No. EP 1,158,788 issued to Machida et al. (“*Machida*”) in view of U.S. Patent Application Publication No. 20020147987 filed by Reynolds et al. (“*Reynolds*”) and further in view of U.S. Patent Application Publication 20020078447 filed by Mizutome (“*Mizutome*”). Applicant respectfully traverses the rejection.

To render a claim obvious, the cited references must disclose each and every element of the rejected claim (see MPEP §2143). In her rejection the Examiner asserts that *Machida* describes most of the claim elements but concedes that *Machida* fails to describe “a plurality of video decoders coupled to the **plurality of video channels, each video decoder coupled to a different one of the plurality of video channels.**” The Examiner proceeds in her rejection by asserting that *Reynolds* cures this discrepancy in *Machida* and cites figure 2 (drawing items 220/224/228) of *Reynolds* in support of her rejection.

However, Applicant respectfully submits that *Reynolds* fails to describe the subject matter ascribed to it by the Examiner. For example, Reynolds fails to describe “a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels.”

To the contrary, *Reynolds* expressly describes that a **multiple video feed 206** is provided to a tuner 208, which selects a single channel. The decoder 208 **extracts** the different **signals** from the video channel (Para. 0041). As such, it is clear that in *Reynolds* each decoder 220/224/228 is coupled to **the same video channel**. Therefore, each video decoder (220, 224, 228) is not coupled to a **different one** of the plurality of video **channels** incoming from the multi-channel feed 206. A component signal from a channel cannot be reasonably construed to be a channel in and of itself.

Because *Reynolds* fails to describe that each video decoder is coupled to a different one of the plurality of video channels, *Reynolds* fails to cure the conceded deficiencies in *Machida*. Therefore, amended independent claim 1 is allowable over the combination of *Machida* and *Reynolds* for at least this reason.

In regard to *Mizutome*, *Mizutome* describes a single video decoder 106 coupled to multiple video channels via a tuner 101 that selects a single channel. This is contrary to describing a plurality of video decoders coupled to a plurality of video channels, each video decoder coupled to a different one of the plurality of video channels. As such, *Mizutome* fails to cure the above discussed deficiencies in the combination of *Machida* and *Reynolds*. Therefore, independent claim 1 is allowable over the combination of *Machida*, *Reynolds* and *Mizutome* for at least this reason. Independent claims 7 and 19 recite similar subject matter and are allowable for at least the same reasons. Claims 2-6, 8-13 and 20-28 properly depend from an allowable independent claim 1, 7 or 19 and are allowable therewith.

**B. Claims 2-3 and 20-21**

Claims 2-3 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Machida* in view of *Reynolds*, *Mizutome* and U.S. Patent No. 6,487,719 issued to Itoh (“*Itoh*”). Applicant respectfully traverses the rejection and points out that claims 2-3 and 20-21 properly depend from an allowable amended independent claim 1 or 19 and are allowable therewith.

Further, in the interest of an efficient prosecution, Applicant respectfully submits that *Itoh* fails to cure the discrepancies in the combination of *Machida*, *Reynolds*, and *Mizutome* and points out that *Itoh* concerns a single monitoring apparatus that selects one from a plurality of internal and external video sources (Abstract). As such, *Itoh* fails to cure the deficiencies discussed above in regard to independent claim 1 because *Itoh* fails to describe “a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels.”

**C. Claims 6, 9-10 and 27-28**

Claims 6, 9-10 and 27-28 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Machida* in view of *Reynolds*, in view of *Mizutome* and U.S. Patent No. 5,883,676 issued to Miyazaki et al. (“*Miyazaki*”). Applicant respectfully traverses the rejection and points out that claims 6, 9-10 and 2-28 properly depend from an allowable amended independent claim 1, 7 or 19 and are allowable therewith.

Further, Applicant respectfully points out that *Miyazaki* is drawn to a video signal outputting apparatus and does not concern “a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels.” As such, *Miyazaki* fails to cure the discrepancies in the combination of *Machida*, *Reynolds* and *Mizutome* discussed above in regard to independent claim 1.

**D. Claim 13**

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being obvious over *Machida* in view of *Reynolds* and *Mizutome* and further in view of U.S. Patent No. 6,118,498 issued to *Reitmeier* (“*Reitmeier*”). Applicant respectfully traverses the rejection and points out that claim 13 depends from an allowable independent claim 1 and is allowable therewith.

Further, Applicant respectfully points out that *Reitmeier* describes a video decoder that receives a single signal through antenna 5 and tuners 10 A-B and does not concern “a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels.” As such, *Miyazaki* fails to cure the discrepancies in the combination of *Machida*, *Reynolds* and *Mizutome* discussed above in regard to independent claim 1.

**E. Claim 14**

Independent claim 14 recites, in pertinent part:

“[a] method for displaying video data from a plurality of video sources via a plurality of video channels in a display device, comprising...inputting the first decoded frame into a first video processing pipeline via a non-blocking switch network;  
inputting the second decoded frame into a second video processing pipeline via the non-blocking switch network...”

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being obvious over *Machida* in view of *Reynolds*, *Reitmeier*, *Miyazaki* and *Mizutome*. Applicant respectfully traverses the rejection. To render a claim obvious, the cited references must disclose each and every element of the rejected claim (see MPEP § 2143). Applicant respectfully submits that the combination of *Machida* in view of *Reynolds*, *Reitmeier*, *Miyazaki* and *Mizutome* fails to describe at least inputting decoded frames into a video processing pipeline via a **non-blocking switch**.

In her rejection, the Examiner concedes that *Machida* fails to describe inputting the first and second decoded frames into a first and second video processing pipeline via a **non-blocking switch** (OA page 13). In fact, *Machida* teaches away from the use of non-blocking switch (See, paragraph 0033 (image selection means 101 selects and outputs a prescribed number of images among the

input images having high priority orders)). The necessity of passing along images in order of priority is antithetical to a non-blocking switch because each image cannot be processed/displayed concurrently without hindrance.

The Examiner then asserts that *Reynolds* describes “inputting the first decoded frame” and “inputting the second decoded frame” but implicitly concedes that *Reynolds* fails to describe a non-blocking switch by omitting any assertion to the contrary (OA page 14, lines 14 and 17). Applicant respectfully points out that *Reynolds* fails to teach a non-blocking switch between the video decoder 220/224 and a processing pipeline (224/226/232/238). In fact, *Reynolds* fails to describe any switch at all between the output of video decoders 220/224/228 and the rest of the processing pipeline (224/226/232/238). Because a non-blocking switch is not described by *Reynolds*, *Reynolds* fails to cure the conceded deficiency in *Machida*.

Further, Applicant respectfully asserts that none of *Reitmeier*, *Miyazaki* and *Mizutome* describes a “non-blocking switch” or inputting the first decoded frame into a first video processing pipeline via a **non-blocking switch network**” or “inputting the second decoded frame into a second video processing pipeline via the **non-blocking switch network**...” *Mizutome* describes no switch at all down stream of video decoders 105/106/107 (see FIG. 1). *Miyazaki* is not concerned with video decoders and therefore cannot describe inputting a decoded image into a non-blocking switch. Similarly, *Reitmeier* describes a switch 40 upstream of video decoder 45 but cannot describe inputting a decoded image via a non-blocking switch because there is no switch down stream of the video decoder 45.

Applicant respectfully submits that none of *Reitmeier*, *Miyazaki* or *Mizutome* describe a non-blocking switch and, therefore, cannot cure the discrepancies in the combination of *Machida* and *Reynolds*. Therefore, a prima facie case of obviousness cannot be established because the combination of *Reitmeier*, *Machida*, *Reitmeier*, *Miyazaki* and *Mizutome* fails to describe each and every claim element. As such, independent claim 14 is allowable over the combination of *Reitmeier*, *Machida*, *Reitmeier*, *Miyazaki* and *Mizutome* for at least this reason.

Further, a prima facie case of obviousness cannot be established due to a lack of motivation to combine *Machida* with any of the other references because *Machida* teaches away from the claim elements (MPEP 2145 (X)(D)). This is so because *Machida* expressly describes that images may only enter processing based on their priority assignment, which is by definition entails blocking switch mechanism and is contrary to a non-blocking switch. Therefore, there is no motivation to combine *Machida* with any of *Reitmeier*, *Reitmeier*, *Miyazaki* and *Mizutome* with a reasonable chance of success because *Machida* teaches the use of a blocking switch arrangement that relies on image priority as discussed above.

#### **F. Claims 15-18**

Claims 15-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Machida* in view of *Reynolds*, *Reitmeier*, *Miyazaki*, *Mizutome* and U.S. Patent No. 6,456,335 issued to *Miura* et al. (“*Miura*”). Applicant respectfully traverses the rejection. Claims 15-18 properly depend from claim 14 and are allowable therewith.

#### **G. Claims 23-25**

Claims 23-25 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Machida* in view of *Reynolds*, *Mizutome* and *Miura*. Applicant respectfully traverses the rejection because Claims 23-25 properly depend from an allowable amended independent claim 19 and are allowable therewith.

Further, in regard to claim 25, the Examiner rejects claim 25 by asserting that the combination of *Machida* and *Reynolds* describes most of the claim elements but concedes that the combination *Machida* and *Reynolds* fails to describe that “the video fail operation comprises an output of a **previous image** for the one of the plurality of video channels overlaid with a descriptive text to indicate video failure.” The Examiner proceeds in his rejection by asserting that *Miura* cures the conceded discrepancy and cites Column 20; lines 49-54 and Column 36; lines 20-33 in support.

However, Applicant respectfully points out that *Miura* fails to describe the subject matter subscribed to *Miura*. *Miura* merely describes using a fixed bit map such as a logo with an alphanumeric message (See, Col. 20; lines 49-55). A fixed bit map cannot reasonably be construed to be an output of a previous image for the one of the plurality of video channels because the output of a previous image is ever changing and is determined only by the subject matter being displayed and the timing just prior to the failure. In other words the previous image is a random dynamic pattern and not a fixed pattern as is described in *Miura*. Because *Miura* fails to describe “an output of a previous image for the one of the plurality of video channels,” a prima facie case of obviousness cannot be established because the combination of *Machida*, *Reynolds* and *Miura* fails to describe each and every claim element. As such, claim 25 is allowable for at least this additional and independent reason.

#### **H. Claim 26**

Claims 26 stands rejected under 35 U.S.C. § 103(a) as being obvious over *Machida* in view of *Reynolds*, *Mizutome* and *Kovacevic*. Applicant respectfully traverses the rejection.

Claim 26 properly depends from an allowable amended independent claim 19 and is allowable therewith.

Further, the Examiner rejects claim 26 by asserting that the combination of *Machida* and *Reynolds* describes most of the claim elements but concedes that the combination *Machida* and *Reynolds* fails to describe processing “analog video data.” In light of the Examiner's concession, Applicant respectfully asserts that there is no motivation to combine *Kovacevic* with either of *Machida* or *Reynolds* because both *Machida* and *Reynolds* are strictly digital processes.

For example, the Examiner has stipulated that the *Reynolds* processes that allegedly reading on the Applicant's base claims all take place in the interactive set top boxes 112/118, which process strictly digital data. As can be seen from Figure 1 of *Reynolds*, all analog data is converted to digital data prior to being transmitted by **Digital** Video Distribution Network 104. Therefore, no processes occurring in the User's Locations 111 are capable of processing analog data. As such, a prima facie

case of obviousness cannot be established because there is no motivation to modify *Reynolds* (digital processing) by *Kovacevic* (using analog data) because there is no reasonable chance of success in processing analog data by digital circuitry (See, MPEP §2143.02).

Similarly, the Examiner has stipulated that the *Machida* processes that allegedly read on the Applicant's base claims all occur in the image selection means 100, which processes strictly digital data. As can be seen from FIG. 4 of *Machida*, all video analog data is converted to digital data at A/D converter 213, prior to being transmitted to the digital image selection means 100. Therefore, no processes occurring in the image selection means are capable of processing analog data. As such, a prima facie case of obviousness cannot be established because there is no motivation to modify *Machida* (digital processing) by *Kovacevic* (using analog data) because there is no reasonable chance of success in processing analog data by digital circuitry (See, MPEP §2143.02).

Because there is no motivation to modify either *Machida* or *Reynolds* by the analog data of *Kovacevic*, claim 26 is allowable over the combination of *Machida*, *Reynolds* and *Kovacevic* for at least this additional and independent reason.



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### **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a further telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (480) 385-5060 or [tnaeckel@ifllaw.com](mailto:tnaeckel@ifllaw.com). If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,  
INGRASSIA FISHER & LROENZ

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By: ARNO T. NAECKEL, REG. NO. 56,114/  
Arno T. Naeckel  
Attorney for Applicant